

Electronic Filing
ECF 1:07-cv-06915

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

-----X
TRAVELERS CASUALTY AND SURETY COMPANY,
etc.,

07-CV-6915-DLC

Plaintiff,

-- against --

DORMITORY AUTHORITY - STATE OF NEW YORK,
et al.,

Answer
to
Cross-Claim

Defendants.

-----X
DORMITORY AUTHORITY OF THE STATE OF
NEW YORK, et ano.,

Third-Party Plaintiffs,

-- against --

TRATAROS CONSTRUCTION, INC.,

Third-Party Defendant.

-----X
TRATAROS CONSTRUCTION INC. and TRAVELERS
CASUALTY AND SURETY COMPANY,

Fourth-Party Plaintiffs,

-- against --

CAROLINA CASUALTY INSURANCE COMPANY,
et al.,

Fourth-Party Defendants.

-----X
Carolina Casualty Insurance Company ("Carolina") answers the cross-claims set forth in the January 14, 2008, answering pleading of **Harleysville Insurance Company** ("Harleysville") as follows:

First Although Harleysville asserts cross-claims against "Fourth-Party Defendants" -- a category which includes Carolina, if read literally -- its cross-claims do not seem to be intended for Carolina.

Second If intended for Carolina, Harleysville fails to state any claim against Carolina upon which relief could be granted. Among other things, Harleysville does not allege (nor could Harleysville truthfully allege) that Harleysville is the obligee named in the surety bond Carolina gave as surety for Crocetti, nor any other valid basis for Harleysville to qualify as a claimant with standing to make any claim under that surety bond.

Third If a bond-claim was intended, Harleysville fails to allege due and timely compliance with the conditions precedent to any obligations under Carolina's surety bond. Harleysville could not truthfully allege due and timely compliance in that, among other things, the time for suit under that bond has expired.

Fourth.....In any event, Carolina denies it caused or contributed to any of the damages complained of; in fact, Carolina denies Carolina had any "active" or "direct" role at all in the construction project which is the subject of this case.

Wherefore, if intended to include Carolina, Harleysville cross-claims should

be dismissed as against Carolina.

Dated: New York, NY
February 4, 2008

For Fourth-Party Defendant
Carolina Casualty
Insurance Company

ZICHELO & McINTYRE, LLP

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-- and --

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